

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

LARISA SOPKA, DANIELA SOPKA,
TATYANA SOPKA,

Plaintiff,

vs.

WEA SOUTHCENTER LLC, d/b/a
WESTFIELD SOUTHCENTER MALL, a
Delaware limited liability company doing
business in the state of Washington; URW
WEA LLC, a Delaware limited liability
company doing business in the State of
Washington; THE CHEESECAKE
FACTORY RESTAURANTS, INC., a
California corporation doing business in the
State of Washington; WESTFIELD, LLC, a
Delaware limited liability company doing
business in the State of Washington;
WESTFIELD PROPERTY
MANAGEMENT LLC, a limited liability
company doing business in the State of
Washington; WESTFIELD AMERICA
LIMITED PARTNERSHIP, a Delaware
limited partnership doing business in the
State of Washington; WESTFIELD DDC
INC., a Delaware corporation doing
business in the state of Washington;
WESTFIELD DEVELOPMENT INC. d/b/a
WESTFIELD DEVELOPMENT OF
WASHINGTON INC., a Delaware
corporation doing business in the State of
Washington; SOUTHCENTER OWNER
LLC, a Delaware limited liability company
doing business in the State of Washington;

NO.

COMPLAINT FOR DAMAGES

Demand for Jury Trial

1 JOHN AND JANE DOES 1-5, individuals
 2 or entities,

3 Defendants.

4 COMES NOW Plaintiffs Larisa Sopka, Daniela Sopka, and Tatyana Sopka, through
 5 their attorneys Darrell L. Cochran and Kevin M. Hastings of Pfau, Cochran, Vertetis & Amala,
 6 PLLC, and Jason G. Epstein of Premier Law Group, PLLC, by way of claim, and allege as
 7 follows:

8 **I. PARTIES**

9 1. Plaintiff Larisa Sopka. Plaintiff Larisa Sopka is a resident of Gig Harbor, Pierce
 10 County, Washington. She is the mother of Daniela Sopka and Tatyana Sopka. On May 31,
 11 2022, Larisa and her daughters visited The Cheesecake Factory, located within the Westfield
 12 Southcenter Mall shopping center at 230 Strander Boulevard, Tukwila, WA 98188. While
 13 Larisa dined with her daughters, she was shot by an individual involved in a dispute with other
 14 patrons of the shopping center. In the moments leading up to and following the shooting, Larisa
 15 feared for her life, as well as the lives of her two daughters.

16 2. Plaintiff Daniela Sopka. Plaintiff Daniela Sopka is a resident of Mill Creek,
 17 Snohomish County, Washington. She is the daughter of Larisa Sopka and the sister of Tatyana
 18 Sopka. On May 31, 2022, Daniela was dining at The Cheesecake Factory with her mother and
 19 sister. She witnessed an armed individual enter the restaurant and witnessed the shooting of
 20 her mother, as well as its aftermath. During this time, Daniela feared for her life, as well as the
 21 lives of her mother and sister.

22 3. Plaintiff Tatyana Sopka. Plaintiff Tatyana Sopka is a resident of Mill Creek,
 23 Snohomish County, Washington. She is the daughter of Larisa Sopka and the sister of Daniela
 24 Sopka. On May 31, 2022, Tatyana was dining at The Cheesecake Factory with her mother and
 25 sister. She witnessed an armed individual enter the restaurant and witnessed the shooting of

1 her mother, as well as its aftermath. During this time, Tayana feared for her life, as well as the
2 lives of her mother and sister.

3 4. Defendant WEA Southcenter LLC d/b/a Westfield Southcenter Mall. Defendant
4 WEA Southcenter LLC is a foreign limited liability company organized under the laws of
5 Delaware, with its principal place of business in California, that is listed in the property records
6 as the owner of the shopping center located at 2800 Southcenter Mall, Seattle, WA 98188. It
7 is registered to conduct business in the State of Washington under UBI # 602 198 524. At all
8 times material hereto, and upon information and belief, Defendant WEA Southcenter LLC
9 owned and operated the Westfield Southcenter Mall and parking lot located at 2800 Southcenter
10 Mall, Seattle, WA 98188, and it controlled and was responsible for the safety of the shopping
11 center and parking lot.

12 5. Defendant URW WEA LLC. Defendant URW WEA LLC is a foreign limited
13 liability company organized under the laws of Delaware, with its principal place of business in
14 California. At all times material hereto, and upon information and belief, Defendant URW
15 WEA LLC owned and operated the Westfield Southcenter Mall and parking lot located at 2800
16 Southcenter Mall, Seattle, WA 98188, and it controlled and was responsible for the safety of
17 the shopping center and parking lot.

18 6. Defendant The Cheesecake Factory Restaurants, Inc. Defendant The
19 Cheesecake Factory, Inc. is a foreign for-profit corporation organized under the laws of
20 California, with its principal place of business in California. It is registered to conduct business
21 in the State of Washington under UBI # 602 068 943. At all times material hereto, and upon
22 information and belief, Defendant The Cheesecake Factory Restaurants, Inc. owned and
23 operated the Cheesecake Factory restaurant and parking lot located at 230 Strander Boulevard,
24 Tukwila, WA 98188, and it controlled and was responsible for the safety of the restaurant and
25 parking lot.

1 7. Defendant Westfield, LLC. Defendant Westfield LLC is a foreign limited
 2 liability company organized under the laws of Delaware, with its principal place of business in
 3 California. Defendant Westfield LLC is registered to do business in the State of Washington
 4 under UBI # 601 938 157. At all times material hereto, and upon information and belief,
 5 Defendant Westfield, LLC owned and operated the Westfield Southcenter Mall and parking lot
 6 located at 2800 Southcenter Mall, Seattle, WA 98188, and it controlled and was responsible for
 7 the safety of the shopping center and parking lot.

8 8. Defendant Westfield Property Management LLC. Defendant Westfield Property
 9 Management LLC is a foreign limited liability company organized under the laws of Delaware,
 10 with its principal place of business in California. Defendant Westfield Property Management
 11 LLC is registered to do business in the State of Washington under UBI # 603 211 290. At all
 12 times material hereto, and upon information and belief, Defendant Westfield Property
 13 Management LLC owned and operated the Westfield Southcenter Mall and parking lot located
 14 at 2800 Southcenter Mall, Seattle, WA 98188, and it controlled and was responsible for the
 15 safety of the shopping center and parking lot.

16 9. Defendant Westfield America Partnership. Defendant Westfield America
 17 Partnership is a foreign limited partnership organized under the laws of Delaware, with its
 18 principal place of business in California. Defendant Westfield America Partnership is
 19 registered to do business in the State of Washington under UBI # 601 890 256. At all times
 20 material hereto, and upon information and belief, Defendant Westfield America Partnership
 21 owned and operated the Westfield Southcenter Mall and parking lot located at 2800 Southcenter
 22 Mall, Seattle, WA 98188, and it controlled and was responsible for the safety of the shopping
 23 center and parking lot.

24 10. Defendant Westfield DDC, Inc. Defendant Westfield DDC, Inc. is a foreign
 25 profit corporation organized under the laws of Delaware, with its principal place of business in
 26 California. Defendant Westfield DDC, Inc. is registered to do business in the State of

1 Washington under UBI # 603 457 455. At all times material hereto, and upon information and
 2 belief, Defendant Westfield DDC, Inc. owned and operated the Westfield Southcenter Mall and
 3 parking lot located at 2800 Southcenter Mall, Seattle, WA 98188, and it controlled and was
 4 responsible for the safety of the shopping center and parking lot.

5 11. Defendant Westfield Development Inc. d/b/a Westfield Development of
 6 Washington Inc. Defendant Westfield Development Inc., doing business in the State of
 7 Washington as Westfield Development of Washington Inc., is a foreign profit corporation
 8 organized under the laws of Delaware, with its principal place of business in California.
 9 Defendant Westfield Development Inc. is registered to do business in the State of Washington
 10 under UBI # 602 638 464. At all times material hereto, and upon information and belief,
 11 Defendant Westfield Development Inc. owned and operated Westfield Southcenter Mall and
 12 parking lot located at 2800 Southcenter Mall, Seattle, WA 98188, and it controlled and was
 13 responsible for the safety of the shopping center and parking lot.

14 12. Southcenter Owner LLC. Defendant Southcenter Owner LLC is a foreign
 15 limited liability company organized under the laws of Delaware, with its principal place of
 16 business in California. Defendant Southcenter Owner LLC is registered to do business in the
 17 State of Washington under UBI # 604 544 872. At all times material hereto, and upon
 18 information and belief, Defendant Southcenter Owner LLC owned and operated Westfield
 19 Southcenter Mall and parking lot located at 2800 Southcenter Mall, Seattle, WA 98188, and it
 20 controlled and was responsible for the safety of the shopping center and parking lot.

21 13. Defendant John/Jane Doe 1-5. At all relevant times, Defendant John/Jane Doe
 22 1-5 are and were individuals and/or entities who owed the plaintiffs a duty of care to protect
 23 them from harm but failed to do so, including but not limited to individuals and/or entities that
 24 were responsible for ensuring the restaurant, shopping center, and parking lots were safe for
 25 invitees, such as third party security companies and their agents. This lawsuit utilizes generic
 26 aliases to name these Defendants because their exact identities are currently unknown to the

1 plaintiff. The purpose of this paragraph, as well as the entirety of this Complaint, is to put
 2 Defendants John/Jane Doe 1-5 on notice that they are named as defendants in this lawsuit.
 3

4 II. JURISDICTION AND VENUE

5 14. Jurisdiction. This Court has diversity jurisdiction over this action under 28
 U.S.C. § 1332(a)(1). None of the Plaintiffs in this action are citizens of the same state of any
 6 of the Defendants, and the amount in controversy exceeds \$75,000.00.
 7

8 15. Venue. This Court has personal jurisdiction over the Defendants because
 Defendants are licensed to and regularly do conduct business in Washington; the unlawful
 9 conduct alleged in this Complaint occurred in, was directed to, and/or emanated, in part, from
 10 Washington; and/or Defendants have sufficient minimum contacts with Washington.
 11

12 III. FACTUAL ALLEGATIONS

13 16. Plaintiff realleges the above paragraphs as if fully set forth below.

14 17. On May 31, 2022, Plaintiffs were business invitees at The Cheesecake Factory,
 located on the premises of the Westfield Southcenter Mall in Tukwila, Washington. Plaintiff
 15 Larisa Sopka was dining with her daughters, Daniela Sopka and Tatyana Sopka.
 16

17 18. While sitting at their table in the restaurant, Plaintiffs noticed a commotion
 outside the restaurant, in the parking lot of the restaurant and shopping center. Several
 18 individuals were in a group and appeared to be in a dispute.
 19

20 19. Shortly thereafter, the commotion entered the restaurant. At least one of the
 individuals was armed.
 21

22 20. Plaintiff Daniela Sopka saw that one of the individuals possessed a firearm and
 quickly warned her mother and sister.
 23

24 21. Fearing for their lives and realizing that it would be difficult and dangerous to
 attempt to leave the restaurant, Plaintiffs took refuge underneath their table at the restaurant.
 25
 26

1 22. Shortly thereafter, at least one of the individuals involved in the dispute
2 discharged a firearm.

3 23. Plaintiff Larisa Sopka was shot and injured by a bullet fired by one of the
4 individuals. The bullet struck her left leg, fracturing her fibula. Plaintiffs Daniela and Tatyana
5 Sopka attempted to aid their mother, while still fearing gunshots and being killed. One of the
6 daughters helped Larisa make a tourniquet for her gunshot wound, while the other daughter
7 notified police and emergency medical services of the shooting. During this time, all three
8 Plaintiffs remained in danger and feared for their lives, as chaos erupted in the restaurant.

9 24. As a result of the shooting, Larisa Sopka now suffers from chronic and
10 potentially permanent nerve damage to her left leg and foot. Larisa has also suffered
11 psychological and emotional injuries from the shooting and the fear that accompanied it,
12 including but not limited to post-traumatic stress disorder, generalized anxiety disorder, and
13 depression. As a result of her physical and psychological trauma, Larisa has developed several
14 phobias and frequently experiences panic attacks. Sopka's injuries have prevented her from
15 continuing her work as a registered nurse practitioner, leading to the loss of wages.

16 25. As a result of the shooting, Daniela and Tatyana Sopka suffered and exhibit
17 objective symptomology of emotional and psychological injuries from witnessing the shooting
18 of their mother and fearing for their lives, including but not limited to post-traumatic stress
19 disorder, anxiety disorders, and depression.

20 26. Plaintiffs were innocent bystanders, not the targets of the shooting.

21 27. Unfortunately, violence and shootings were not new to the premises of Westfield
22 Southcenter Mall and The Cheesecake Factory in Tukwila, WA. Scores of crimes, including
23 assaults, shootings, carjackings, robberies, thefts, and instances of domestic violence had
24 occurred on the premises over the years before May 2022.

1 28. Defendants each and all knew about the danger of violence and shootings on
2 their premises and knew that the violence and shootings posed a substantial risk of harm to
3 bystanders patronizing their businesses.

4 29. Defendants affirmatively fostered and supported the creation and maintenance
5 of the dangerous environment on their premises, by failing to mitigate the dangers of violence
6 on their property.

7 30. Despite the rampant crime and violence occurring on their premises, Defendants
8 failed to take reasonable steps to make their premises safer for those patronizing their services.

9 31. Defendants failed to implement appropriate security protocols, and any security
10 measures they did implement were insufficient given the nature and extent of the prior crimes
11 occurring on the premises.

12 32. In fact, one of Defendant The Cheesecake Factory's employees who worked at
13 the restaurant's Tukwila location told local news reporters, "Literally, anyone can walk in and
14 shoot a gun. We don't have security or someone guarding the doors."

15 33. Defendants were involved with ensuring the safety of The Cheesecake Factory
16 and the Westfield Southcenter Mall premises. Plaintiff identifies John and Jane Does with
17 reasonable particularity, pursuant to the directive of *Powers v. Mobile Services, Inc.*, 182 Wn.2d
18 159, 339 P.3d 173 (2014), to preserve a cause of action against those individuals or entities who
19 were tasked with ensuring the safety and well-being to business invitees on the premises of The
20 Cheesecake Factory and Westfield Southcenter Mall who acted unreasonably, below the
21 standard of care, in a negligent fashion, to cause Plaintiff's injuries.

1 **IV. CAUSES OF ACTION**

2 **COUNT I**
 3 **PREMISES LIABILITY**
 4 **As to all Defendants**
 5 **(Washington Common Law)**

6 34. Plaintiff incorporates by reference all preceding paragraphs, restating the
 7 information contained therein, and further alleges as follows:

8 35. Plaintiff was a business invitee at The Cheesecake Factory restaurant at
 9 Westfield Southcenter Mall.

10 36. The acts and/or omissions of Defendants herein constitute negligence.
 11 Defendants owed Plaintiff a duty to protect her from the reasonably foreseeable criminal
 12 conduct of third parties and unreasonably dangerous conditions. Defendants breached this duty,
 13 and the breach was a direct, proximate, and foreseeable cause of Plaintiff's serious and
 14 permanently disabling physical, psychological, and emotional injuries, as well as general and
 15 special damages, the full extent of these injuries to be proven at trial.

16 **COUNT II**
 17 **NEGLIGENCE**
 18 **As to all Defendants**
 19 **(Washington Common Law)**

20 37. Plaintiff incorporates by reference all preceding paragraphs, restating the
 21 information contained therein, and further alleges as follows:

22 38. The acts and/or omissions of Defendants constitute negligence, including but
 23 not limited to negligent hiring, supervision, and retention of security personnel at Westfield
 24 Southcenter Mall and The Cheesecake Factory; the negligent response to the shooting at The
 25 Cheesecake Factory; and failure to install proper devices to monitor individuals on the premises,
 26 proper security cameras, and other devices. As a direct, proximate and foreseeable cause of
 Defendants' failure to provide adequate security to prevent criminal and tortious activity and
 prevent Plaintiff from being attacked and injured, Plaintiff sustained serious and permanently

disabling physical, psychological, and emotional injuries, as well as general and special damages, the full extent of these injuries to be proven at trial.

COUNT III
COMMON LAW GROSS NEGLIGENCE
As to All Defendants
(Washington Common Law)

39. Plaintiff incorporates by reference all preceding paragraphs, restating the information contained therein, and further alleges as follows:

40. The acts and/or omissions of Defendants constitute gross negligence. Defendants failed to exercise even slight care in the hiring, supervision, and retention of security personnel at Westfield Southcenter Mall and The Cheesecake Factory; failed to exercise even slight care in response to the shooting in the Westfield/The Cheesecake Factory parking lot; and failed to exercise even slight care by failing to install proper devices to monitor individuals on the premises, proper security cameras, and other devices. As a direct, proximate and foreseeable cause of Defendants' failure to exercise even slight care in the prevention of criminal and tortious activity on their premises, Plaintiff Larisa Sopka sustained serious and permanently disabling physical, psychological, and emotional injuries, as well as general and special damages, the full extent of these injuries to be proven at trial.

COUNT IV
NEGLIGENT INFILCTION OF EMOTIONAL DISTRESS
As to Defendants
(Washington Common Law)

41. Plaintiff incorporates by reference all preceding paragraphs, restating the information contained therein, and further alleges as follows:

42. Based on the paragraphs set forth and alleged above, Plaintiffs' emotional injuries were foreseeably caused by the negligent conduct of Defendants. Plaintiffs' emotional distress was reasonable, given the circumstances of the shooting of Plaintiff Larisa Sopka. Plaintiffs' emotional injuries caused by the shootings on May 31, 2022, on Defendants'

1 premises were and continue to be manifested by objective symptomology. Therefore, the
 2 Defendants' conduct constituted negligent infliction of emotional distress, and Defendants are
 3 liable for Plaintiffs' damages proximately caused by their actions as provided in more detail
 4 above.

5 43. The Plaintiffs' proximity to the shooting placed them within the field of danger.
 6 Each of the Plaintiffs witnessed the shooting and were forced to take cover from the shots. Each
 7 of the Plaintiffs feared for their lives and the lives of their loved ones. The trauma caused by
 8 this event continues to negatively impact each of the Plaintiffs up to the present day.

9 V. RESERVATION OF RIGHTS

10 44. Reservation of Rights. Plaintiff reserves the right to assert additional claims as
 11 may be appropriate following further investigation and discovery.

12 VI. JURY DEMAND

13 45. Jury Demand. Plaintiff demands this case to be tried by a jury.

15 VII. PRAYER FOR RELIEF

16 46. Relief. Plaintiff respectfully requests the following relief:

- 17 A. That the Court award Plaintiff appropriate relief, to include all special and
 general damages established at trial;
- 18 B. That the Court award pre-judgment interest on items of special damages;
- 19 C. That the Court award post-judgment interest;
- 20 D. That the Court award all other damages, including exemplary, under choice
 of law principles;
- 21 E. That the Court award Plaintiff such other, favorable relief as may be
 available and appropriate under law or at equity, including costs; and
- 22 F. That the Court enter such other and further relief as the Court may deem just
 and proper.

1 SIGNED this 3rd day of January, 2023.
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4

5 **PFAU COCHRAN VERTETIS AMALA PLLC**
6

7 By: s/ Darrell L. Cochran
8 Darrell L. Cochran, WSBA No. 22851
9 Attorney for Plaintiff

10 By: s/ Kevin M. Hastings
11 Kevin M. Hastings, WSBA No. 42316
12 Attorney for Plaintiff

13 **PREMIER LAW GROUP**
14

15 By: /s/ Jason G. Epstein
16 Jason G. Epstein, WSBA No. 31779
17 Attorney for Plaintiff